

MAE News

Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

Spring 2012

Volume 8, Number 1



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Compliance Training

The spring and summer open training sessions are full! The **October 25-26** sessions already have a couple of reservations, but are mostly open. All open training sessions take place in the Department of Agriculture's third floor conference room located in the Deering Building (90 Blossom Lane) on the State's Augusta East Side Campus. (This is the same building where the Workers' Compensation Board's Central Office is located.) To reserve a spot for the October sessions, please contact Anne Poulin.

The training modules on the Board's website have recently been updated. They are located at www.maine.gov/wcb/departments/mae/mae/index.htm under "Training" in both the Monitoring Division and Audit Division sections.

Staff shortages curtailed the availability of on-site training in the recent past, but we are now trying to accommodate all on-site training requests. In addition, please let us know what the Board can do to make its training and outreach efforts better serve your needs. We are soliciting any and all input and feedback from all of you! Please contact Gordon Davis if you would like on-site training or with your ideas and suggestions. His telephone number is 207-287-6327 and email is Gordon.Davis@Maine.gov.

From the Office of Medical and Rehabilitation Services Durable Medical Equipment and Supplies

Chapter 5, Section 2.08, Subsection 1 of the Board's Rules and Regulations states, "The employer/insurer shall pay for the purchase or rental of all compensable durable medical equipment, medical supplies and other devices that are ordered and approved by the treating health care provider. Reimbursement is set at the actual amount paid plus 20% or \$500.00, whichever is less."

Please note that this Section was not intended to provide reimbursement for custom-made items such as custom-made braces or prosthetic devices such as artificial arms, legs and eyes. As there is no maximum allowable payment under the Medical Fee Schedule for these items, they should be paid at the health care provider's usual and customary charge or at a rate negotiated by the provider and the claim administrator.

In addition, this Section was not intended to provide reimbursement for any labor costs associated with the education, fitting, and adjustment of the compensable durable medical equipment, medical supplies and other devices that are ordered and approved by the treating health care provider. Health care providers can bill and be reimbursed for any reasonable and proper charges to provide such services. Again, as there is no maximum allowable payment under the Medical Fee Schedule for these services, they should be paid at the health care provider's usual and customary charge or at a rate negotiated by the provider and the claim administrator.

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From the Office of the Executive Director Annual Report

The February 2012 *Annual Report on the Status of the Maine Workers' Compensation System* has been published and is now available on the web at:

www.maine.gov/wcb/departments/triagencypublications.htm

Overall, dispute resolution is performing at high levels of efficiency; compliance with the Workers Compensation Act is high; frequency of claims is down; compensation rates have dropped 56 percent since 1993; and MEMIC has recently declared a \$12 million dividend to Maine businesses; all of which contribute to a workers' compensation system that is moving towards stabilization.

From the Office of the General Counsel Rule 1.1

The Board has adopted the above-referenced rule. The effective date is April 2, 2012.

The rule may be found at: www.maine.gov/wcb/rules/2012%20Rule%20Changes.htm.

The rule:

- Specifies to whom notice of a claim for incapacity benefits must be made;
- Reduces the period for which payment is due in the event a Notice of Controversy is not filed within 14 days of a claim for incapacity;
- Clarifies that the violation ends when a Notice of Controversy is filed and benefits are paid; and
- Provides that the payment obligation ends even if the average weekly wage and/or compensation rate was calculated incorrectly as long as the payment was reasonable and based on information gathered at the time of the payment.

The rule applies to all dates of injury and all pending claims.

IMPORTANT REMINDER FOR CLAIM ADMINISTRATORS

A party is not required to file a written response to a petition under 39-A M.R.S. §307(3).

Upon notice of a claim, however, the employer/insurer must comply with the provisions of Rule 1.1 or the employee must be paid total benefits, with credit for earnings and other statutory offsets, from the date the claim is made in accordance with 39-A M.R.S. §205(2) and in compliance with 39-A M.R.S. §204.

If you have any questions regarding Rule 1.1, please contact John Rohde at 207-287-7091 or John.Rohde@Maine.Gov.